

# **N O T I C E**

## **EPA REGULATION CHANGES FOR UNDERGROUND STORAGE TANKS**

**The Office of Underground Storage Tanks, U.S. Environmental Protection Agency, commenced strict enforcement of compliance with the prescribed upgrades of existing underground storage tanks (USTs) in accordance with 40 CFR Part 280, effective December 22, 1998. Likewise, each of the individual states may have instituted and commenced enforcement of requirements that exceed those established by the U.S. Government. The purpose of this notice is to provide recommendations on what to do if a fuel contractor asked for information regarding whether an activity's storage tanks comply with environmental regulations.**

**DESC understands that the underground storage tanks and systems owned and operated by agencies of the Department of Defense are lawful and compliant with the revised upgrades/standards as of this date, or will be upgraded in the very near future. If your agency manages individual petroleum storage tanks or tank systems, there is a possibility that your assigned DESC petroleum contractor may apply to your agency for documentary evidence of compliance with the revised standards for those tanks or tank systems. Customers should recognize that a responsible contractor may solicit evidence of tank compliance, in order to avoid the imposition of fines, financial penalties or other monetary damages, and are encouraged to cooperate with reasonable requests, unless it represents an unreasonable administrative burden. Customers are cautioned, however, with regard to provision of general releases of liability. In the event the contractor that serves your installation seeks indemnification and/or release of liability for any monetary damages which may arise as a result of noncompliance or misrepresentation of compliance status, you are counseled to refrain from furnishing a certification of this type. Provision of the storage tank system operator's representation and any written supporting documentation should provide adequate protection for the concerned parties.**

**If you need additional guidance on this issue, please contact one of the contract specialists listed on the webpage for your Region.**